

UMIDB
UPPER MEDWAY INTERNAL DRAINAGE BOARD



MINUTES OF THE MEETING of the BOARD
held at 17 Albion Place Maidstone
on **Tuesday 22 January 2019.**

Members of the Board Present

H Rogers - Chairman

D Aikman
O Baldock
D Goff
S Highwood
J Scholey
G Swift
R Thomas
W Thompson
C Wheeler

In attendance

M D Watson - Chief Executive
J Williams – Finance Assistant
L Rowland - Administration Assistant

D Lowe – Environment Agency

1. APOLOGIES

Apologies received from S McLeod, M Round and C Stewart.

2. ENVIRONMENT AGENCY PRESENTATION

David Lowe – Technical Advisor, Asset Performance Medway and North Kent talked through his presentation of slides that was presented on the screen at the meeting.

C Wheeler expressed his frustration over the works carried out at Coult Stream and felt it was a very expensive operation and wanted to see confirmation of the track re-instatement as he felt this hadn't been done satisfactorily.

D Lowe explained that the works had been carried out as expected and we could request to review the engineers report via a Freedom of Information request should we wish to do so.

C Wheeler confirmed he would like the Board to put in a Freedom of Information Request.

D Lowe went on to mention the construction work relating to increasing the capacity of the Leigh Flood Storage Reservoir will begin in 2020.

D Lowe then went on to talk about the river Teise and Beult Sluice Consultation. The first stage to consult the public on Darmons and Duddies Sluices near Laddingford. They have come to the end of their useful life and alternatives are being looked into.

The Chief Executive asked D Lowe if he could provide the dimensions of the 2 sluices so he could ask ACE for a quotation to replace them with moveable weirs.

D Lowe said both sluices are still the legal responsibility of the EA.

H Rogers suggested if funding was an issue then he was sure the Board would be open to the idea of using the EA Precept money.

D Goff requested that we have a more detailed breakdown of the precept as it is very confusing.

D Lowe confirmed he will send further details to the Chief Executive.

D Aikman voiced his frustration that the precept money had not been spent as discussed again.

The Chief Executive requested that D Lowe send him technical details for the Beult bridge works for him to review and Members agreed unless the EA hear otherwise, that they do not have our backing to go ahead with this work.

The Chairman requested that we send a letter stating that we are not happy with this particular project.

D Goff requested that we also ask in the letter what happens to the precept money that is not used by the end of March. D Lowe said the money cannot be carried over.

The Chief Executive suggested that the unused precept should be given back to the Board, and then handed to the EA the following year for other projects instead of the money being lost in the system.

D Lowe reminded members that a report will be produced in February 2019 as previously agreed and asked Members for suggestions for anything that could be added to the precept report before then.

O Baldock suggested The River Bourne at Hadlow desperately needs clearing out.

3. ITEMS OF INTEREST DECLARATION

None of the members present declared a pecuniary and/or non pecuniary interest in any of the items to be discussed on the Agenda.

4. DECLARATION OF BOARD MEMBERS INTEREST

REPORTED all Members have completed their Declaration of Board Members Interest form for the year 2018/2019.

Members were reminded that this form should be completed by ALL Board Members at the start of each financial year and amended as necessary during the year. Any staff member who has a significant interest should also complete a form. Forms should be completed at your earliest convenience and then returned to the office.

The Chief Executive explained that new updated forms will be circulated before the next financial year for Members to complete.

The Chief Executive also confirmed that the Administration Assistant will chase Members who had not signed the form monthly in the next financial year.

5. MEMBERS LIABILITIES

The Chief Executive reminded Members of their responsibilities whilst an elected Member of the Upper Medway Internal Drainage Board and went over the key points below:

“The Members have responsibility/accountability for the overall control of the IDB’s finances and therefore certain financial/fiduciary duties, breach of which could render them personally liable. These duties can be summarised as an obligation, in the context of this document, to act responsibly and with reasonable care in respect of the IDB’s finances and to properly and fully consider the implications of the IDB’s financial position. These rules are set by Government to make sure that no unacceptable risks are taken with public money. It is therefore very important that Members exercise independent judgment and proper care and diligence.”

The Chief Executive explained to members that this is taken from the ADA guidance note which has already been issued to members. A copy of the full guidance note is available on request.

6. PRIVATE & CONFIDENTIAL MATTERS

D Lowe was asked to leave the meeting temporarily whilst private and confidential matters were discussed.

Members were reminded that all matters discussed relating to employees of the Board should at all times be treated as confidential. Members were reminded once again that there could be implications for the Board under Data Protection and Employment Law if matters discussed were disclosed to others.

The Chief Executive gave members an update of the matters relating to pending legal cases.

7. MINUTES

D Lowe re-joined the meeting.

RECEIVED a copy of the Minutes of the Meetings of the Board held on 13 November 2018.

(As attached to these Minutes – Appendix 1)

The Chairman commented that there was an omission from Item 2 - Appointment of Chairman, Vice Chairman and Committees in that with tradition the Vice Chairman would also be the Chairman of the Finance Committee. He requested the minutes to be amended to include this.

AGREED by all Members present that after this correction had been made the Minutes would be correctly recorded and that they be signed by the Chairman.

8. FINANCE COMMITTEE MINUTES

RECEIVED the Minutes of the Finance Committee Meeting held on 20 July 2018.

(As attached to these Minutes – Appendix 2)

Minutes were noted and no comments made.

9. JOINT SERVICES COMMITTEE MINUTES

RECEIVED the Minutes of the Joint Services Committee Meeting held on 7 November 2018.

(As attached to these Minutes – Appendix 3)

Minutes were noted and no comments made.

10. MATTERS ARISING FROM PREVIOUS MINUTES

The Chief Executive apologised that some of the matters arising from previous minutes had not progressed as he had hoped and that other urgent matters were taking priority.

Minutes of meeting 1 August 2017

Item 13 – Engineers Report

A request by D Aikman for Officers to look at the additional costs due to Landowners not allowing the IDB to carry out the necessary works efficiently, which affects the rates they pay.

The Chief Executive explained that he has not yet managed to look at this – ongoing.

Minutes of meeting 1 August 2017

Item 20 – Any Other Business, New Office and Lower Depot combined facility

Investigations to be carried out, with the findings and proposals to be reported to the Board.

The Chief Executive explained that this matter is ongoing. However, new land had been identified and designs were currently being drawn up. Any updates will be reported to the Board in due course.

Minutes of meeting 23 January 2018

Item 9 - Minimal Bank Balances Policy – Further Lending/Emergency Funding Options

Officers to look into further lending/emergency funding options.

The Chief Executive explained that Officers are still to look into further lending/emergency funding options.

Minutes of meeting 23 January 2018

Item 13 – Any Other Business, GDPR

The Chief Executive informed members that a GDPR audit had taken place on 30 October 2018 by an independent GDPR consultant. He explained that a report has since been received along with guidance on policies, in particular guidance for a privacy policy on our website.

The Chief Executive confirmed that proposed policies would be discussed further under Item 18 – GDPR and that GDPR had been arranged for all office staff in February 2019.

Minutes of meeting 17 July 2018

Item 20 – Elections

The Chief Executive explained that the Board currently has 3 vacancies for Elected Members. He also explained that Yalding Parish Council have enquired about providing a representative from the parish council to sit on the Board but the only criticism could be that we already have 2 members representing district 2 already. The Chief Executive confirmed he needs to clarify our legal position on this before we can make a decision. The Chief Executive also explained that we do not currently have a representative from Tandridge DC and he will be requesting they provide another representative.

The Chief Executive confirmed that having more than one Member for a district requires approval from the RFCC. He confirmed he will work with The Chairman to write a letter to the RFCC.

The Chief Executive confirmed he will be contacting Tandridge DC requesting they provide another representative.

Minutes of meeting 17 July 2018

Item 23 – AOB, Recognition of Board Members

The Chief Executive confirmed a hamper for M Dobson was given to him in December 2018 and a donation of £100 has been made to Parkinson's UK in the memory of R Young and a thank you letter had also been sent to Mrs Young.

17 July 2018 – Item 23 – AOB, Policy to Protect Directors & Officers

Request to look into Protecting Directors and Officers Policy with higher cover and for the policy to be looked at in more detail.

The Chief Executive confirmed he had met with NFU recently and as a result of the meeting we have now received a revised quotation of £1,000 with an increased level of cover of £2m which we are going ahead with.

Minutes of meeting 13 November 2018

Item 216 – Board Inspection (Bells Pump Station)

The Chief Executive explained that the Board Inspection is now likely to be lower key than originally planned as the land owner has still not signed the lease. He explained this will still be a joint inspection with the Lower Board and we hope to go ahead with this in March 2019.

Minutes of meeting 13 November 2018

Item 23 – AOB, Payments to Board Members

The Chief Executive explained since the last meeting he has spoken to ADA and DEFRA about payments to Board Members. ADA did not like the idea of making payments to Members but accepted making a payment to the Chairman was allowed under the LDA 1991. DEFRA were more understanding to paying Board Members, but it requires the Board's approval.

A long discussion took place and councillor Members generally felt that they are already paid for their participation and their mileage was reimbursed by their councils so this would not be appropriate for them. It was also discussed that land owner Members could have a differing opinion.

The Chairman reiterated that he felt this would personally be something he would find difficult to justify, however, should a Member be involved in something above and beyond the usual meetings, then we should look into reimbursing those individuals accordingly.

J Scholey suggested a policy be put in place for special circumstances/reasonable compensation for situations such as this.

The Chairman suggested that Members should request reimbursement like this from the Board if they felt they were doing anything above and beyond their required duties.

The Chairman asked the Chief Executive to draw up a policy in time for the next Board meeting so another discussion could take place.

Minutes of meeting 13 November 2018

Item 23 – AOB, Website

The Chief Executive confirmed that work with the new website is approximately 25% completed and is looking good. He explained that he is currently in the process of providing text to the website designer and expects to be finished within the next 2-3 months.

Minutes of meeting 13 November 2018

Item 23 – AOB, New Accounting Software

The Chief Executive informed Members that Sage has now been ordered and installation of the software and staff training has been booked in for March 2019.

Minutes of meeting 13 November 2018

Item 23 – AOB, Plant and Machinery

The Chief Executive confirmed that following the Board's agreement, 2 new vans and 2 new tractors have now been ordered and delivery is expected in early March 2019. The official handover of the plant will be done at an Expo at the Kent Showground and an article will appear in the ADA Gazette.

11. ANNUAL RETURN - YEAR ENDING MARCH 2018

RECEIVED a copy of the approved IDB Annual Return for the year ending 31 March 2018.

(As attached to these Minutes - Appendix 4)

REPORTED that two areas had been raised. The first one stating that the chief financial officer hadn't signed the document and yet in the copy they sent back it was. The second issue was to make sure the figures in red were used in next year's return.

The Chief Executive informed Members that the approved Annual Return is displayed on the Boards Website.

12. END OF YEAR ACCOUNTS - YEAR ENDING MARCH 2018

RECEIVED a copy of the End of Year Accounts for the year ending 31 March 2018.

(As attached to these Minutes - Appendix 5)

REPORTED that this document is produced purely for Board Members information and the asset values reported reflect current book value, not actual purchase price as stated in the annual return.

13. HEALTH & SAFETY UPDATES

The Chief Executive confirmed that the Severe Weather Policy (previously referred to as Winter Weather Policy) had now been approved.

The Chief Executive informed Members that we are amending the Stress Management Policy to include a "who to contact" section.

The Chief Executive asked for permission from the Board to agree that all Health & Safety policies can be agreed by the Board representatives on the Works, Health & Safety Group.

D Aikman requested that one other Member outside of the Works, Health & Safety Group be the second approver.

On a proposition by O Baldock seconded by R Thomas it was **AGREED** that The Chairman would be the second approver for Health & Safety policies.

14. WORKS, HEALTH & SAFETY GROUP MEETING

RECEIVED a copy of the Works Health & Safety Group Meeting Minutes dated 8 January 2019.

(As attached to these Minutes - Appendix 6)

Members discussed K Saunder's recent wasp sting and they were pleased that he is now in possession of an EpiPen should this happen again.

D Goff mentioned that he had recently visited the depot and he was very impressed with what he saw at the site and the condition they have kept the equipment in. He wanted to relay his compliments on to the staff.

15. PLANNING APPLICATIONS

RECEIVED the various planning applications the Board has been invited to comment on since its last meeting.

(As attached to these Minutes - Appendix 7)

The Chief Executive read through all the planning applications received.

Members noted the planning applications for which the Chief Executive had commented on.

16. CONSENTS

RECEIVED particulars of applications requiring the written consent of the Board.

(As attached to these Minutes - Appendix 8)

a) **Queen Street/Darmans Lane**

Proposal: To construct a new crossing and access into the field off Darmans Lane using a 900mm plastic pipe.

Following member consultation consent was **GRANTED** on 20 December 2018.

b) **Bentletts Farm, Claygate Road, Laddingford**

Proposal: To allow surface water discharge into a local watercourse/ditch at a maximum flow rate of 13.9 litres/sec.

Following member consultation consent was **GRANTED** on 20 December 2018.

17. ENGINEER'S REPORT

RECEIVED the Engineer's Report Number 155.

(As attached to these Minutes - Appendix 9)

The Chief Executive read through the Engineer's Report that showed the work carried out from November 2018 to January 2019.

The Chief Executive also explained that each board now has one workmen for each element of work, rather than having them all trained for everything as they were in the past, thus saving money on expensive PPE when some of the work is intermittent and doesn't justify this.

O Baldock asked where the chainsaw course was taking place.

The Chief Executive confirmed this was between West Malling and Hadlow.

D Goff asked if we had resolved the issue with service pipes at Collier Street.

The Chief Executive explained that we hadn't resolved the issue, but felt having marker posts would help with the issue.

The Chairman suggested that we source some marker posts and put them in ourselves.

18. GDPR

RECEIVED draft copies of Data Protection Compliance Statement (Privacy Notice), Access Request Policy, Breach Notification Policy, CCTV Policy, Data Protection Training Policy, Data Protection and Disposal Policy and General Privacy Notice (Website).

(As attached to these Minutes - Appendix 10)

The Chief Executive explained that our GDPR consultant had provided the policies mentioned above for us and asked Members to take a look at them.

The Chief Executive explained that all policies would be reviewed and further approval requested as appropriate.

It was **AGREED** by all Members present that we should approve the draft policies subject to the appropriate review when necessary.

O Baldock commented we should have an email disclaimer on all of our emails.

The Chief Executive confirmed he would speak to our GDPR advisor to obtain the correct wording for this.

19. ESTIMATES AND SPECIAL LEVIES

The Chairman reminded Members that the Finance Committee's recommendation is to increase the penny rate to 3.6220 for the next year, a 2% increase.

The Chairman commented that we are not expecting anything exceptional in the coming year so future increases should not be significant.

RECEIVED a copy of the Board's Estimates for the 2019/2020 financial year.

(As attached to these Minutes - Appendix 11)

Members discussed the recommendation and generally felt very pleased that the capital cost from last year was now significantly less and a 2% increase was acceptable.

On a proposition by J Scholey, seconded by W Thompson it was **AGREED** to set the penny rate at 3.6220 and that the Chief Executive and the Chairman should sign the Drainage Rates & Special Levies Certificate.

19. ADA CONFERENCE 2018

The Chief Executive informed Members he had attended the ADA conference on 14 November 2018 in Westminster. He confirmed that the speakers at the conference were Sue Hayman – Shadow Secretary of State DEFRA, Robert Hossen – Crisis Management in North Holland and John Curtin – EA Executive Director for FCRM. He explained that the conference was a good conference and that any Members were welcome to attend next year.

D Goff asked about the ADA Good Governance for Internal Drainage Board Members booklet for Members and this was distributed at the meeting.

20. ANY OTHER BUSINESS

a) Financial Regulations

The Chief Executive talked through the various alterations needed to the Financial Regulations as per the agreed changes to the Board's banking practices in anticipation of moving to Handelsbanken. Copies had previously been supplied to the Finance Committee Members by email on 18 January 2019 and were available for all Members to view on screen at the meeting.

The Chairman commented that the credit card spending limit should be changed from £2,000 to £5,000 as already previously agreed.

On a proposition by D Goff seconded by R Thomas it was **AGREED** we should go ahead with the changes to the Financial Regulations.

b) Floodex /Irrigex UK Conference

The Chief Executive informed Members that there is a Floodex UK/Irrigex UK conference going ahead on 27 and 28 February 2019 in Peterborough and he would be attending. Flyers for the conference were available at the meeting and the Chief Executive asked Members to inform the office if they wished to attend.

20. CLOSURE

There being no further business the Chairman declared the meeting closed and thanked the Board for their attendance.